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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/562,870	05/08/2006	Jutta Schlosser	12400-058	6401
757 7590 05/21/2009 BRINKS HOFER GILSON & LIONE P.O. BOX 10395 CHICAGO, IL 60610				
EXAMINER				
SPISICH, GEORGE D				
ART UNIT		PAPER NUMBER		
3616				
MAIL DATE		DELIVERY MODE		
05/21/2009		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/562,870

Applicant(s)

SCHLOSSER ET AL.

Examiner

GEORGE D. SPISICH

Art Unit

3616

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 January 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-8 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 20 February 2009 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/5508)
- Paper No(s)/Mail Date _____

- 4) ☐ Interview Summary (PTO-413)
- Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Claim Objections

Claim 2 is objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. Applicant is required to cancel the claim(s), or amend the claim(s) to place the claim(s) in proper dependent form, or rewrite the claim(s) in independent form.

Claim 2 is a duplication of line 8-11, where it has already been claimed that the tether extends in a deployment direction of the airbag.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-3 are rejected under 35 U.S.C. 102(b) as being anticipated by Jang et al. (USPN 6,364,348).

Jang et al. discloses (see Fig. 6 at least) a side airbag comprising two superimposed layers of laminar material, each layer having a leading edge and a trailing

edge. There is at least one tether (541) having a laminar form and being disposed between the two layers, the tether having opposed ends connected to the leading and trailing edges, the length of the tether between the connections being less than the width of the layers forming the airbag between the connections. This allows for/forces the airbag to inflate to a wider cross section to provide occupant protection. Since element 541 retrains the movement of the airbag, it is properly considered a tether.

The airbag is configured to be mounted in the motor vehicle and to be deployed in a deployment direction that is substantially parallel to a longitudinal axis (as the airbag is a side airbag). Wherein during deployment of the airbag, the tether extends between the leading and trailing edges to limit movement of the leading edges in the deployment direction and the laminar form of the tether is positioned "along a plane" (as it is positioned in a longitudinal place) substantially perpendicular to a lateral axis of the motor vehicle. The shape of the tether "forces" expansion of the airbag in a direction parallel to the lateral axis.

The tether is configured to extend in a deployment direction when the airbag is inflated.

There is a single tether.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the

invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 4 and 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jang et al. (USPN 6,364,348) in view of Lachat et al. (USPN 5,791,685).

Jang et al. has been discussed in the previous rejection. However, Jang et al. does not show at least two tethers at spaced apart positions.

Lachat et al. discloses the well known concept of providing a plurality of tethers (dividing elements) in an airbag. This evens out the airbag expansion to provide a broader occupant protection area.

It would have been obvious to one of ordinary skill in the art to modify the airbag of Jang et al. by providing a second tether as taught by Lachat et al. and furthermore since mere duplicating of a part involves only routine skill in the art, *St. Regis Paper Co. v. Bemis Co.*, 193 USPQ 8, so as to provide a more even expansion of the airbag and provide a broader protection area.

With respect to claim 6, the particular relations of the tether and airbag layers is within the scope of one of ordinary skill in the art since varying the size and geometry of the airbag arrangement and expansion dimension is known to one of ordinary skill.

Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Jang et al. (USPN 6,364,348) in view of Hill (USPN 5,730,464).

Jang et al. has been discussed in a prior rejection. However, Jang et al. does not show the well known airbag concept of providing a seam to separate the airbag into

separate chambers. This provides a more even expansion and particularly positions the chambers with respect to the occupant to improve the occupant protection.

Hill discloses a side airbag having a seam to divide the airbag into separate inflatable chambers.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the airbag of Jang et al. so as to provide a seam to separate inflatable chambers in the airbag as taught by Hill and as is well known in the airbag art, so as to provide more even expansion and particular position the chambers with respect to the occupant to improve occupant protection.

Claims 7 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jang et al. (USPN 6,364,348) in view of Ryan (USPN 6,422,593).

Jang et al. has been discussed in a prior rejection. However, it is not specifically disclosed that the tether is sewn to the leading and trailing edges of the airbag.

Ryan (see at least Figs. 4a-4c) shows a tether (mounting portion thereof) sandwiched between the leading and trailing edges (as defined by deployment direction) of an airbag. As stitching is a common manner of connecting airbag panels and the airbag of Ryan discloses stitching of the airbag, it is taught that using stitching or sewing would be an obvious manner of connecting the airbag portions together.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the airbag of Jang et al. by attaching the "tether" of Jang et al. by sandwiching the tether between leading and trailing edges of the airbag and

using stitching/sewing to connect the portions of the airbag as taught by Ryan as this is a well known and efficient and strong manner of connection airbag panels/portions.

Response to Arguments

Applicant's arguments filed January 28, 2009 have been fully considered but they are not persuasive.

With respect to Applicant's argument of the amended language not being shown by Jang et al., Examiner disagrees and maintains the rejection. Applicant's language "positioned along a plane substantially perpendicular to a lateral axis of the vehicle" is not limited to the tether defining a vertical plane perpendicular to a lateral axis of the vehicle and therefore, the tether of Jang et al. being "along a plane" (which is the longitudinal plane) which is still perpendicular to the lateral axis meets this limitation. Also, the requirement that tether "forces" expansion of the airbag in a direction substantially parallel to the lateral axis is met by Jang et al. as expansion is forced in the same directions as Applicant's airbag, even though the tether does not define a vertical plane as Applicant's.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Schedler (USPUB 2007/0267856), Honda et al. (USPUB 2007/0216142), Jackson et al. (USPUB 2005/0104342), Hurford et al. (USPN 5,718,450).

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to GEORGE D. SPISICH whose telephone number is (571) 272-6676. The examiner can normally be reached on Monday-Friday from 8:30 to 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Paul N. Dickson can be reached on (571) 272-6669. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/GDS/
Examiner, Art Unit 3616
May 16, 2009

/Paul N. Dickson/
Supervisory Patent Examiner, Art Unit 3616